

REMARKS

Claims 1 – 15 were pending in this application.

Claims 1-7 and 13-15 were rejected.

Claim 8-12 were subject to a restriction

Claims 1, 2, 5, 8, 11, 13 and 15 were amended.

Claims 3, 4 and 14 were cancelled.

L. 35 USC 102(e) Rejections

Claim 1, 2, and 13 were rejected under 35 USC 102(b) as being anticipated by U.S. Patent No. 1,960,434 to Doscher.

The rejected claims include two independent claims, which are Claim 1 and Claim 13. These claims have been amended and are believed to be clearly distinguishable over the cited prior art references, as is explained below.

Claim 1

Claim 1 sets forth a pool cover system. The purpose of the pool cover system is to enable a pool cover to be more easily wound on a storage spool without folding and buckling the material of the pool cover. The claimed system includes a pool cover and a storage reel for storing the pool cover. The storage reel has a central mandrel that extends along a central axis. A plurality of rigid plates are coupled to an edge of the pool cover. Each of the rigid plates is at least one foot long and linearly aligned along that edge of the pool cover. A space exists between each of the rigid plates that allows the pool cover to be folded across the effected edge in between the rigid plates.

A first set of mechanical fasteners is provided between the rigid plates and the central mandrel. The mechanical fasteners selectively interconnect the rigid plates to the central mandrel

in an orientation parallel to the central axis of that mandrel.

The Doscher patent discloses a window curtain. The Doscher window curtain has a hem (3) along one edge. The hem (3) is attached to the roller by straps (7).

As applied to the wording of Claim 1, the Doscher patent does not disclose a pool cover system. The Doscher patent does not disclose a pool cover or a storage reel that can hold a pool cover. The Doscher patent does not disclose a plurality of rigid plates that attach to one end of a pool cover in a linear formation, wherein folding spaces are left in between adjacent rigid plates. Lastly, the Doscher patent does not disclose mechanical fasteners that are used to attach the various rigid plates to the storage reel.

Since the Doscher patent clearly does not disclose the elements being claimed in Claim 1. The Doscher patent clearly does not anticipate the matter of Claim 1. The Examiner is therefore requested to withdraw the 35 USC 102 rejection as applied to Claim 1 and its dependent claims.

Claim 13

Claim 13 sets forth a system for retroactively altering a pool cover and a pool cover storage reel to improve the ability of the pool cover to be evenly wound about the storage reel. The system uses a plurality of rigid plates that attach linearly along an edge of the pool cover. The rigid plates leave spaces along the pool cover edge in between the rigid plates that enable the pool cover to be folded along that edge.

The rigid plates contain a first set of fasteners for attaching to the edge of the pool cover, and a second set of fasteners that attach the rigid plates to a storage reel.

As applied to the wording of Claim 13, The Doscher patent does not disclose a pool cover system. The Doscher patent does not disclose a pool cover or a storage reel that can hold a pool cover. The Doscher patent does not disclose a plurality of rigid plates that attach to one end of a pool cover in a linear formation, wherein folding spaces are left in between adjacent rigid plates. Lastly, the Doscher patent does not disclose fasteners that are used to attach the various rigid plates to the pool cover or the storage reel.

Since the Doscher patent clearly does not disclose the elements being claimed in Claim 13. The Doscher patent clearly does not anticipate the matter of Claim 13. The Examiner is therefore requested to withdraw the 35 USC 102 rejection as applied to Claim 13 and its dependent claims.

Claim 1, 2 and 13 were rejected under 35 USC 102(b) as being anticipated by U.S. Patent No. 3,019,450 to Karasiewicz.

The rejected claims include two independent claims, which are Claim 1, and Claim 13. These claims have been amended and are believed to be clearly distinguishable over the cited prior art references, as is explained below.

Claim 1

Claim 1 sets forth a pool cover system. The purpose of the pool cover system is to enable a pool cover to be more easily wound on a storage spool without folding and buckling the material of the pool cover. The claimed system includes a pool cover and a storage reel for storing the pool cover. The storage reel has a central mandrel that extends along a central axis. A plurality of rigid plates are coupled to an edge of the pool cover. Each of the rigid plates is at least one foot long and linearly aligned along that edge of the pool cover. A space exists between each of the rigid plates that allows the pool cover to be folded across the effected edge in between the rigid plates.

A first set of mechanical fasteners is provided between the rigid plates and the central mandrel. The mechanical fasteners selectively interconnect the rigid plates to the central mandrel in an orientation parallel to the central axis of that mandrel.

The Karasiewicz patent discloses a pool cover made of wire mesh. A solid rod (tubular support 54) extends through the mesh at its edge. The rod (58) is attached to cables (78) that are used to retract the pool cover.

As applied to the wording of Claim 1, the Karasiewicz patent does not disclose a plurality

of rigid plates that attach to one end of a pool cover in a linear formation, wherein folding spaces are left in between adjacent rigid plates. Furthermore, the Karasiewicz patent does not disclose mechanical fasteners that are used to attach the various rigid plates to the storage reel. The spaces in between the rigid plate enable the pool cover to be folded when it is not wound on the storage spool. Clearly, the use of rigid rods in the Karasiewicz patent prevents the Karasiewicz pool cover from being folded across its front edge.

Since the Karasiewicz patent clearly does not disclose the elements being claimed in Claim 1, the Karasiewicz patent does not anticipate the matter of Claim 1. The Examiner is therefore requested to withdraw the 35 USC 102 rejection as applied to Claim 1 and its dependent claims.

Claim 13

Claim 13 sets forth a system for retroactively altering a pool cover and a pool cover storage reel to improve the ability of the pool cover to be evenly wound about the storage reel. The system uses a plurality of rigid plates that attach linearly along an edge of the pool cover. The rigid plates leave spaces along the pool cover edge in between the rigid plates that enable the pool cover to be folded along that edge.

The rigid plates contain a first set of fasteners for attaching to the edge of the pool cover, and a second set of fasteners that attach the rigid plates to a storage reel.

As applied to the wording of Claim 13, the Karasiewicz patent does not disclose a plurality of rigid plates that attach to one end of a pool cover in a linear formation, wherein folding spaces are left in between adjacent rigid plates. Furthermore, the Doscher patent does not disclose fasteners that are used to attach the various rigid plates to the pool cover or the storage reel.

Since the Karasiewicz patent clearly does not disclose the elements being claimed in Claim 13, the Karasiewicz patent does not anticipate the matter of Claim 13. The Examiner is therefore requested to withdraw the 35 USC 102 rejection as applied to Claim 13 and its dependent claims.

II. 35 USC 103 Rejections

Claims 1-5, 13 and 14 were rejected under 35 USC 103(a) as being unpatentable over U.S. Patent No. 6,014,778 to Varnado in view of Doscher.

The rejected claims include two independent claims, which are Claim 1, and Claim 13. These claims have been amended and are believed to be clearly distinguishable over the cited prior art references, as is explained below.

Claim 1

As has been previously stated, Claim 1 sets forth a pool cover system. The purpose of the pool cover system is to enable a pool cover to be more easily wound on a storage spool without folding and buckling the material of the pool cover. The claimed system includes a pool cover and a storage reel for storing the pool cover. A plurality of rigid plates are coupled to an edge of the pool cover. Each of the rigid plates is at least one foot long and linearly aligned along that edge of the pool cover. A space exists between each of the rigid plates that allows the pool cover to be folded across the effected edge in between the rigid plates.

A first set of mechanical fasteners is provided between the rigid plates and the storage reel. The mechanical fasteners selectively interconnect the rigid plates to the storage reel in an orientation parallel to the central axis of that mandrel.

The Varnado patent shows a pool cover that sprays the pool cover clean as it is wound onto the storage spool. The pool cover uses straps (21) to connect the pool cover to the storage spool. The Varnado patent is completely silent as to how the straps are connected to the pool cover other than to say the straps are affixed to the pool cover. See Varnado, column 4, line 1.

The Varnado patent does not disclose or suggest the use of rigid plates. Rather, the Varnado patent appears to show straps with a wide base that snap directly to the flexible cloth of the pool cover. The Varnado patent therefore does not disclose or suggest a plurality of rigid

plates that attach to one end of a pool cover in a linear formation, wherein folding spaces are left in between adjacent rigid plates.

To address the deficiencies of the Varnado patent, the Examiner cites the Doscher patent. As has been previously explained, the Doscher patent does not disclose a pool cover system. The Doscher patent does not disclose a pool cover or a storage reel that can hold a pool cover. The Doscher patent does not disclose a plurality of rigid plates that attach to one end of a pool cover in a linear formation, wherein folding spaces are left in between adjacent rigid plates.

In combination, the Varnado patent and the Doscher patent both fail to disclose or suggest a pool cover system that uses a plurality of rigid plates that attach to one end of a pool cover in a linear formation, wherein folding spaces are left in between adjacent rigid plates. The combination therefore fails to suggest the matter being claimed by Claim 1. The Examiner is therefore respectfully requested to withdraw the 35 USC 103 rejection as applied to Claim 1 and its dependent claims.

Claim 13

As has been previously presented, Claim 13 sets forth a system for retroactively altering a pool cover and a pool cover storage reel to improve the ability of the pool cover to be evenly wound about the storage reel. The system uses a plurality of rigid plates that attach linearly along an edge of the pool cover. The rigid plates leave spaces along the pool cover edge in between the rigid plates that enable the pool cover to be folded along that edge.

As has been previously explained, the combined Varnado patent and Doscher patent both fail to disclose or suggest a pool cover system that uses a plurality of rigid plates that attach to one end of a pool cover in a linear formation, wherein folding spaces are left in between adjacent rigid plates. The combination therefore fails to suggest the matter being claimed by Claim 13. The Examiner is therefore respectfully requested to withdraw the 35 USC 103 rejection as applied to Claim 13 and its dependent claims.

Claims 6 was rejected under 35 USC 103(a) as being unpatentable over U.S. Patent No. 6,014,778 to Varnado in view of Doscher in further view of Guard.

Claim 6 depends from Claim 1. Claim 1 is distinguishable from the combined Varnado and Doscher patents for the reasons already presented. The Guard patent is cited to show a fastener types. The Guard patent does not address the deficiencies of the Varnado and Doscher combination as applied to Claim 1.

Claim 6 is therefore believed to be patentable over the prior art because it depends from an allowable base claim.

Claims 7 and 15 was rejected under 35 USC 103(a) as being unpatentable over U.S. Patent No. 6,014,778 to Varnado in view of Doscher in further view of Mark.

Claim 7 depends from Claim 1. Claim 1 is distinguishable from the combined Varnado and Doscher patents for the reasons already presented. The Mark patent is cited to show a fastener types. The Mark patent does not address the deficiencies of the Varnado and Doscher combination as applied to Claim 1.

Claim 7 is therefore believed to be patentable over the prior art because it depends from an allowable base claim.

Claim 15 depends from Claim 13. Claim 13 is distinguishable from the combined Varnado and Doscher patents for the reasons already presented. The Mark patent is cited to show a fastener types. The Mark patent does not address the deficiencies of the Varnado and Doscher combination as applied to Claim 13.

Claim 15 is therefore believed to be patentable over the prior art because it depends from an allowable base claim.

III. Traversal Of Restriction Requirement.

The Examiner believes that the apparatus claims of Claim 1-7 and 13-15. are distinct

from the method claims of Claims 8-12. The Applicant disagrees and herein traverses the requirement.

An Applicant is entitled to have related inventions examined without restriction unless the Examiner sets forth a properly supported restriction. In the current case, such a proper restriction has not been made.

Pursuant to MPEP 806.05(e), a proper restriction between a process and the apparatus for its practice can only be made where the Examiner can show one of the following:

- 1) That the process as claimed can be practiced by another materially different apparatus. MPEP 806.05(e)(A)
- 2) That the apparatus as claimed can be used to practice another materially different process. MPEP 806.05(e)(B)

According to MPEP 805.05(e), the Examiner must provide an example of one of these criteria. In the current application, the Examiner did not make an adequate showing. Claim 8 sets forth a method. One of the steps specifically stated in the method is “providing at least one connector”. As an example of how the method differs from the system, the Examiner stated that the method “can be practiced with a product not requiring connectors”. This argument is clearly insufficient. The method set forth by Claim 8 specifically calls for the step of “providing at least one connector”. How can the method be practiced with a product not requiring connectors when the method specially claims the step of providing connectors? The Examiner’s example is not understood and is clearly insufficient to meet the requirements of MPEP 805.05(e).

The Applicant believes that both groups of claims are so intertwined that they would require a single search. Even if the two sets of claims belong to separate classifications, an Examiner would search both classes in assessing the patentability of the claims. Since the two sets of claims are so intertwined that they require a single search, there is clearly no burden required of the Examiner in examining both sets of claims.

As such, it is respectfully requested that the restriction requirement be withdrawn.

IV. DRAWINGS

The Official Draftsman's objections to the drawings have been noted. Formal drawings will be filed upon receipt of the Notice of Allowance for this application.

V. SUMMARY

Having fully distinguished the pending claims over the cited art, this application is believed to stand in condition for allowance. However, if the Examiner is of the opinion that such action cannot be taken, the Examiner is requested to call the applicant's attorney at (215) 321-6772 in order that any outstanding issues may be resolved without the necessity of issuing a further Office Action.

Respectfully Submitted,



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